

FIRST REGULAR SESSION

SENATE BILL NO. 68

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SHOEMYER.

Pre-filed December 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

0394L.01I

AN ACT

To amend chapter 266, RSMo, by adding thereto one new section relating to the seed availability and competition act, with a penalty provision.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 266, RSMo, is amended by adding thereto one new section, to be known as section 266.141, to read as follows:

266.141. 1. This section shall be known and may be cited as the "Missouri Seed Availability and Competition Act".

2. Any farmer who plants patented seed on land owned or leased by the farmer and seeks to retain seed from the harvest of such planting for replanting the following planting season shall register with the department of agriculture. Such farmer shall provide the department with the number of bushels of seed to be retained and pay a seven-dollar per bushel fee for the retention of such seed. Six dollars of the seven-dollar fee shall be collected by the department and paid on a quarterly basis to the person or persons holding the patent for the seed. One dollar of the seven-dollar fee may be used by the department for administrative costs associated with the registration of such seed. Any portion of the one-dollar fee not used by the department for administrative costs shall be deposited into a subaccount of the genetically engineered seed fund established in subsection 3 of this section and shall be subject to appropriation to the University of Missouri for agricultural research and development.

3. There is hereby created in the state treasury the "Genetically Engineered Seed Fund", which shall consist of fees collected pursuant to this section. The fund shall be administered by the department of agriculture and all moneys in the fund shall be distributed by the

22 department of agriculture in accordance with this
23 section. Notwithstanding the provisions of section 33.080, RSMo, to the
24 contrary, any moneys remaining in the fund at the end of the biennium
25 shall not revert to the credit of the general revenue fund.

26 4. A farmer who plants such seed shall only be liable for any
27 health, safety, and environmental impacts if such farmer intentionally
28 or negligently fails to substantially follow the patent holder's and
29 manufacturer's instructions and guidelines for planting such seed.

30 5. Any person who violates the provisions of this section commits
31 the crime of misappropriation of patented seed and is guilty of a class
32 D felony.

33 6. Nothing in this section shall preclude the right of the owner
34 of the misappropriated seed from seeking all other remedies available
35 at law.

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Bill

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